

**DISTRICT COURT OF THE UNITED STATES
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:16-cv-00490-FDW**

THIS MATTER is before the Court on the Plaintiff's "Notice of Voluntary Dismissal" [Doc. 48], in which the Plaintiff moved for voluntary dismissal of this action. The Court construes Plaintiff's filing as a motion for voluntary dismissal under Rule 41 of the Federal Rules of Civil Procedure.

Under Rule 41, Plaintiff could have filed a notice of dismissal without a court order. See FED. R. CIV. P. 41(a)(1)(A)(i) (stating that the plaintiff may take a voluntary dismissal without a court order “before the opposing party serves either an answer or a motion for summary judgment”). The Defendants in this matter have not answered the Complaint or moved for summary judgment. In any event, the Court will grant Plaintiff’s motion for voluntary dismissal.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Notice of Voluntary Dismissal [Doc. 48] is **GRANTED**, and this action is dismissed without prejudice.
2. The Clerk is instructed to terminate the Defendants' Motion to Dismiss for Failure to Exhaust Administrative Remedies [Doc. 42] and to terminate this action.

IT IS SO ORDERED.

Signed: May 8, 2019



Frank D. Whitney
Chief United States District Judge

